

REMARKS/ARGUMENTS

Applicants respectfully request further examination and consideration in view of the arguments set forth fully below. Prior to this Office Action, Claims 1-49 were pending in this 5 application. Claims 1-49 stand rejected in a non-final Office Action under 35 U.S.C. 103(a). In this Response, no claims were amended and no claims were canceled. Accordingly, claims 1-49 are currently pending in this application.

CLAIM REJECTIONS UNDER 35 U.S.C §103(a)

10 Within the Office Action, Claims 1-49 are rejected under § 103(a) as being obvious over Perri, III et al (U.S. Patent Application Publication No. US 2001/0020231 A1) (publication date: 9/6/2001) (hereinafter *Perri*). Applicants respectfully traverse this basis for rejection.

Perri is not prior art to this application.

15 The present invention claims priority of a provisional application filed on August 9, 1999, serial number 60/147,964. The Applicant conceived this invention a significant time ahead of the provisional filing date and worked diligently thereafter to reduce the invention to practice. Significantly, *Perri* was not filed until April 24, 2000, much later than the present invention. Additionally, *Perri* was not described in a publication printed until September 6, 2001. Because 20 *Perri* was filed and published after the effective filing date of the Applicants' present application, *Perri* cannot be cited as prior art under § 35 U.S.C. §103(a). Thus, the rejection of the claims under 35 U.S.C. §103(a) as being unpatentable over *Perri* is improper. Applicants respectfully request that this rejection be withdrawn. No other basis for rejection of the claims is made in the pending Official Action. For at least these reasons, claims 1-49 are allowable.

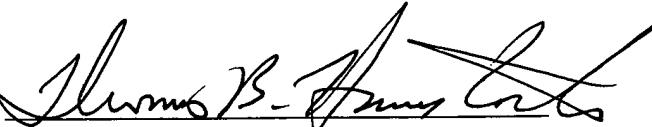
CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If the Examiner believes that a telephone conference would expedite 5 prosecution of this application, the Examiner is encouraged to contact the undersigned at (408) 530-9700.

Respectfully submitted,

HAVERSTOCK & OWENS LLP

10 Dated: 12-02-04

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CERTIFICATE OF MAILING (37 CFR§ 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

Date: 12/2/04 By: THOMAS B. HAVERSTOCK